

## REMARKS

Applicants respectfully submit the rejection of claims 1 – 11 and 13, citing 35 U.S.C §102(b) and US 6,346,182 to Bradley (hereinafter, “Bradley”), and the rejection of claim 12, citing 35 U.S.C. §103(a) and Bradley should both be withdrawn.

The amendments to claims 1, 6, and 13 find support throughout the specification, for example, in paragraphs [0002], [0006], [0036], [0037], [0038], and [0046] of the published application, US 20040112754 A1. According to the amendments, the electrochemical deposition is carried out under fuel cell conditions, where an electrochemically active three-phase boundary is present. Thus, the catalyst is deposited where it is optimally utilized. A reduction of catalytic loading can, therefore, be achieved, allowing for a cost reduction for fabricating a membrane-electrode assembly (MEA).

Independent claims 1, 6, and 13 relate to a method of fabricating an MEA. As evidenced by the Declaration of Dr. Ömer Ünsal, Bradley does not teach a membrane electrode assembly.

Independent claims 1, 6, and 13 relate to a method of fabricating a membrane-electrode assembly, wherein the MEA comprises a polymer-electrolyte membrane (PEM). As evidenced by the Declaration of Dr. Ömer Ünsal, Bradley’s cellulose sheet is not a polymer-electrolyte membrane (PEM).

Independent claims 1, 6, and 13 relate to a method comprising A) introducing ions of the at least one catalytic component into the polymer-electrolyte membrane and/or into an ionomer introduced into the reaction layers. As evidenced by the Declaration of Dr. Ömer Ünsal, Bradley does not introduce ions of a catalytic component into the cellulose sheet or into an ionomer introduced into a reaction layer of the cellulose sheet,

Claim 3 relates to a method wherein a variation of operating conditions is effected during the deposition under fuel cell conditions. As evidenced by the Declaration of Dr. Ömer Ünsal, Bradley does not describe variation of operating conditions during the deposition under fuel cell conditions.

In view of these shortcomings, Bradley neither anticipates nor obviates independent claims 1, 6, and 13, or claims 3 – 5 and 7 – 12, which depend from claim 1.

Applicants respectfully request that a one-month extension of time be granted in this case. The respective \$130.00 fee is paid by credit card. The Director is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account 14-1437. Please credit any excess fees to such account.

In order to facilitate the resolution of any questions, the Examiner is welcome to contact the undersigned by phone.

NOVAK DRUCE + QUIGG, LLP  
1300 Eye St. N.W.  
Suite 1000 West  
Washington, D.C. 20005

Phone: (202) 659-0100  
Fax: (202) 659-0105

Respectfully submitted,  
NOVAK DRUCE + QUIGG, LLP



Michael P. Byrne  
Registration No. 54,015

Enclosure: Declaration of Dr. Ömer Ünsal dated October 26, 2009.